

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
THIRD DIVISION**

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In Re:

Bankruptcy 04-30819  
Chapter 7 Case

Rebecca G. Wilkinson D.V.M. &  
Associates, P.A.

**RESPONSE OF TRUSTEE TO  
MOTION FOR RELIEF FROM STAY**

Debtor.  
-----

Michael J. Iannacone, duly appointed, qualified and acting Chapter 7 Trustee, submits the following Response to the Motion for Relief from Stay submitted by Gary A. Steen (Steen) or (Movant).

1. The Movant has scheduled a hearing for this Motion for October 20, 2004 at 9:30 a.m.
2. Trustee has been provided with a good faith estimate of property value submitted by James Smith dated September 11, 2003. That good faith estimate of value estimates the property would have an estimated appraisal value of in excess of One Million Five Hundred Thousand and No/100s (\$1,500,000.00) Dollars. A copy of that is attached hereto as Exhibit A and incorporated herein.
3. That the debt to Movant as alleged in Movant's Motion is \$276,221.48 as of December 31, 2003, unpaid real estate taxes totally \$19,419.00 plus accrued real estate taxes. Accordingly, there is less than \$300,000.00 owed to the Movant. Compared to the property's value based upon Exhibit A attached hereto, Movant has an adequate equity cushion in the property and the property should be sold to obtain the value for not only the secured creditor, but also other creditors of this Debtor's bankruptcy estate.
4. If testimony is required, Trustee will call Rebecca Wilkinson and James Smith to testify.

**WHEREFORE,** Trustee requests that the Movant's Motion be denied, without prejudice for renewal at a subsequent time in the event the property is not sold and for such other and further relief as the Court deems just and equitable.

Dated this 15th day of October, 2004.

\_\_\_\_/e/ Michael J. Iannacone\_\_\_\_  
Michael J. Iannacone, #48719  
8687 Eagle Point Blvd.  
Lake Elmo, MN 55042  
(651) 224-3361  
(651-297-6187 Fax

Verification. I, Michael J. Iannacone, the responding party named in the foregoing response to motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on October 15, 2004

\_\_\_\_/e/ Michael J. Iannacone\_\_\_\_

September 11, 2003

To: Al Odenath  
ProMed Financial, Inc.

Fax: 1-888-577-6633

RE: Good Faith Estimate of property value

Rebecca G. Wilkinson, D.V.M. & Associates, P.A.

Please find attached the information you requested.

Thank you.

**FAXED**  
10 pp  
qw

September 11, 2003

Rebecca G. Wilkinson, D.V.M.  
13060 Central Avenue NE  
Blaine, MN 55434

Dear Dr. Wilkinson:

The building located at 13060 Central Avenue NE, Blaine, Minnesota can be given a good faith estimate as follows:

**Property Details:**

Property Type:	Commercial
Year Built:	1975
Approximate Age:	30
Square Feet:	6,485
Exterior:	Brick/Vinyl
Roofing:	Tar & Gravel
Heat Type:	Forced Air
Heat Source:	Electric
Air Conditioning:	Central Air
Water:	City Water
Sewer:	City Sewer
Acres:	1
Building Use:	Veterinary Hospital

**Property Location Information:**

Location:	Blaine, MN
Population:	46,700 (Based on 2000 census)
Traffic:	High - Due to Minnesota Trunk Hwy 65
Accessibility:	Excellent
Visibility:	Excellent
Street Front:	Minnesota Trunk Hwy 65 & 133 <sup>rd</sup> Avenue

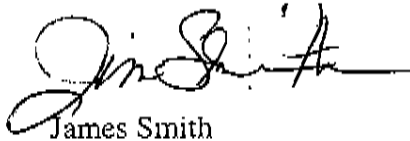
**Demographic Information:**

Single Family Homes:	\$200,000.00 - \$500,000.00
New Development:	43,000 new homes within three miles
New Business Development:	115 New Businesses in 2003 within seven miles.
Potential for future growth:	Excellent

Based upon the above information regarding this building, in comparison to similar properties for sale in this area, a good faith estimate, based upon these similar properties would be \$1,766,079.00 list price. This property would then be estimated to be sold based upon comparable properties sold in the area at 10% off of list, which would then make the estimated appraisal value to be \$1,589,472.00.

The information above is only a good-faith estimate, and is not intended as an appraisal of this property.

Sincerely,



James Smith  
Turpen Realty  
Agent License #20267539

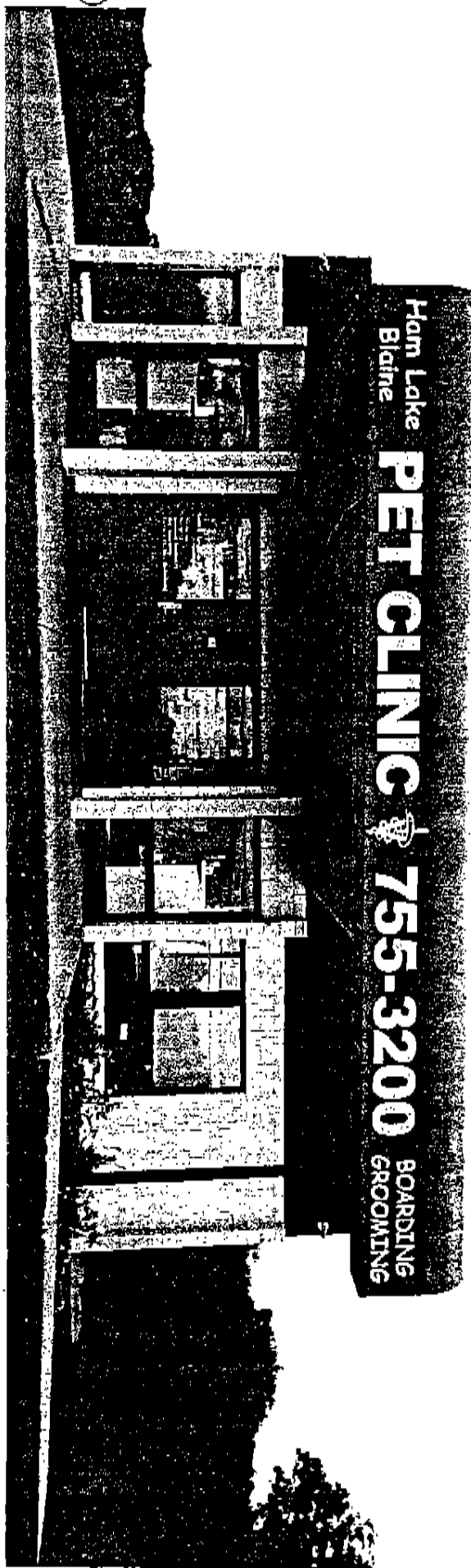


Jim Smith  
REALTOR®

27114 Highway 65  
Isanti, MN 55040  
Office: (763) 444-4820  
Cell: (612) 221-2028



612-  
221-  
2028



## LISTING DETAIL

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**7040 Lake Blvd N  
Wyoming Twp, MN 55025**

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**Price:** \$1,200,000  
**Bedrooms:** 0  
**Full Bathrooms:** 0  
**MLS Number:** 2163802  
**School District:** Forest Lake  
 - 831  
**County:** Chisago  
**Type:** Commercial

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### PROPERTY DETAILS:

**Property Type:** Commercial  
**Year Built:** 1984  
**Approximate Age:** 19  
**Square Feet:** 5704  
**Exterior:** Metal/Vinyl  
**Roofing:** Asphalt Shingles, Pitched, Age 8 Years Or Less  
**Garage Capacity:** 2  
**Garage Description:** Detached Garage, Driveway - Asphalt  
**Driveway:** Detached Garage, Driveway - Asphalt  
**Heat Type:** Hot Water  
**Heat Source:** Natural Gas  
**Air Conditioning:** Central Air  
**Water:** Well  
**Sewer:** Private

*\*210<sup>00</sup>/sq ft*

**Acres:** 11.60  
**Lot Dimension:** 230X1104  
**Lot Description:** Tree Coverage - Medium  
**Extras:** Deck, Patio, Security Building

**FEATURES & AMENITIES:**

**Utilities:** Heating Separate  
**Appliances:** Range, Exhaust Fan/Hood, Dishwasher, Refrigerator, Freezer, Washer, Dryer, Water Softener - Owned

**SCHOOL INFORMATION:**

**School District:** Forest Lake - 831

**FINANCIAL INFORMATION:**

**Listing Price:** \$1,200,000  
**Annual Taxes:** \$3,875.00  
**Utilities:** Heating Separate

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 **Broker Reciprocity** Courtesy of Re/Max Complete Real Estate

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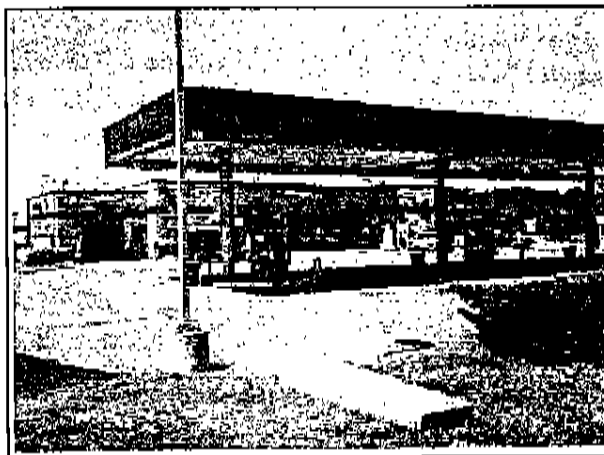
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**For additional information, contact Wollmering & Elliott**

**Phone: 612-363-0394**  
**Mobile Phone: 612-363-0394**  
**Fax: 253-322-2355**  
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## LISTING DETAIL

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**2900 Cutter Grove Ave**  
**Anoka, MN 55303**

**[Inquire about this Listing](#)**

**Price:** \$1,500,000  
**Bedrooms:** 0  
**Full Bathrooms:** 0  
**MLS Number:** 2163315  
**School District:**  
 Anoka/Hennepin - 11  
**County:** Anoka  
**Type:** Commercial

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### PROPERTY DETAILS:

<b>Property Type:</b>	Commercial
<b>Year Built:</b>	1996
<b>Approximate Age:</b>	7
<b>Square Feet:</b>	4200
<b>Exterior:</b>	Metal/Vinyl, Brick/Stone
<b>Roofing:</b>	Tar/Gravel, Age 8 Years Or Less
<b>Garage Capacity:</b>	1
<b>Garage Description:</b>	Attached Garage, Insulated Garage, Heated Garage, Covered, Driveway - Asphalt
<b>Driveway:</b>	Attached Garage, Insulated Garage, Heated Garage, Covered, Driveway - Asphalt
<b>Heat Type:</b>	Forced Air
<b>Heat Source:</b>	Natural Gas

*#357<sup>00</sup>/sq ft*

Real Estate

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**Air Conditioning:** Central Air  
**Water:** City Water - Connected  
**Sewer:** City Sewer - Connected  
**Acres:** 1.46  
**Lot Dimension:** 240X328x219x203  
**Lot Description:** Corner Lot, City Bus (W/In 6 Blks)  
**Extras:** None

**FEATURES & AMENITIES:**

**Utilities:** Heating Separate  
**Pool:** None  
**Appliances:** Range, Cooktop, Wall Oven, Microwave, Exhaust Fan/Hood, Dishwasher, Refrigerator, Freezer  
**Additional Features:** Tiled Floors, Security System

**SCHOOL INFORMATION:**

**School District:** Anoka/Hennepin - 11

**FINANCIAL INFORMATION:**

**Listing Price:** \$1,500,000  
**Annual Taxes:** \$25,410.00  
**Total Annual Expenses:** 0  
**Utilities:** Heating Separate

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Courtesy of Era Muske Company

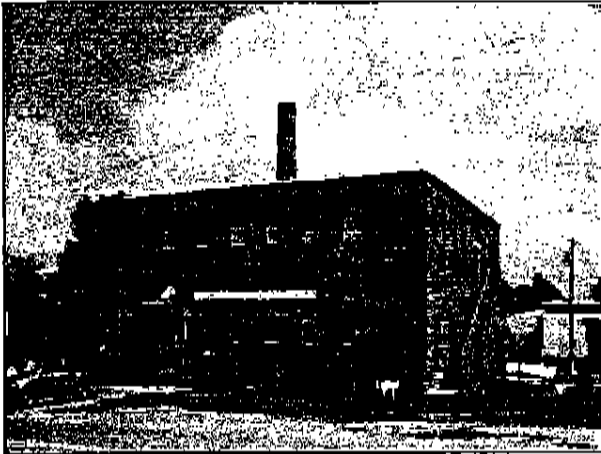
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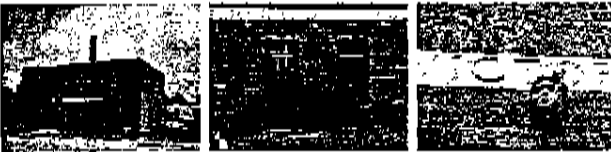
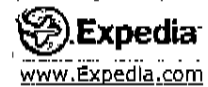
**7929 Victoria Drive  
Victoria, MN 55386**

**[Inquire about this Listing](#)**

**Price:** \$1,000,000  
**Bedrooms:** 0  
**Full Bathrooms:** 0  
**MLS Number:** 2159449  
**School District:** Waconia - 110  
**County:** Carver  
**Type:** Commercial

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### PROPERTY DETAILS:

**Property Type:** Commercial  
**Year Built:** 1917  
**Approximate Age:** 86  
**Square Feet:** 4000  
**Exterior:** Brick/Stone  
**Roofing:** Flat  
**Garage Capacity:** 2  
**Garage Description:** Tuckunder, Driveway - Gravel  
**Driveway:** Tuckunder, Driveway - Gravel  
**Heat Type:** Forced Air  
**Heat Source:** Natural Gas

*\$250<sup>e</sup>/sq ft*

**Air Conditioning:** Central Air  
**Lake Name:** Stieger Lake  
**Body of Water:** Stieger Lake  
**Waterfront Type:** Lake View  
**Water:** City Water - Connected, Well  
**Sewer:** City Sewer - Connected  
**Acres:** 1.90  
**Lot Dimension:** Irreg  
**Lot Description:** Tree Coverage - Light

**FEATURES & AMENITIES:**

**Utilities:** Heating Separate  
**Appliances:** Range, Cooktop, Dishwasher, Refrigerator, Air-To-Air Exchanger  
**Additional Features:** Natural Woodwork, Hardwood Floors, Tiled Floors, Washer/Dryer Hookup


**SCHOOL INFORMATION:**

**School District:** Waconia - 110

**FINANCIAL INFORMATION:**

**Listing Price:** \$1,000,000  
**Annual Taxes:** \$1,764.00  
**Utilities:** Heating Separate

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Associates, P.A.

**UNSWORN CERTIFICATE  
OF SERVICE**

Debtor.  
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I, Krisann Treague, employed by Michael J. Iannacone, attorney licensed to practice law in this Court, with office address of 8687 Eagle Point Blvd., Lake Elmo, Minnesota, declare that on October 15, 2004, I mailed, e-mailed and faxed copies of Response of Trustee to Motion for Relief from stay to each entity named below at the address, e-mail address and fax number stated below for each entity by first class mail postage prepaid:

-----  
United States Trustee  
1015 U.S. Courthouse  
300 S. Fourth Street  
Minneapolis, MN 55415

Thomas F. Miller, Esq.  
130 Lake St. W.  
P.O. Box 387  
Wayzata, MN 55391  
[Thomas@millerlaw.com](mailto:Thomas@millerlaw.com)  
952 404-3893

And, I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on: October 15, 2004

\_\_\_\_/e/ Krisann Treague\_\_\_\_

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
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-----  
In Re:

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Rebecca G. Wilkinson D.V.M. &  
Associates, P.A.

**ORDER**

Debtor.  
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At St. Paul, Minnesota.

The above-entitled matter came on for hearing before the undersigned Judge of Bankruptcy Court upon the motion of Gary Steen for Relief from the Automatic Stay.

Thomas F. Miller appeared on behalf of the Movant and Michael J. Iannacone, Esq. appeared on behalf of the estate.

Upon all the files, records and proceedings herein, and the Court being duly advised on the premises,

**IT IS HEREBY ORDERED**, that the Motion for Relief from the Automatic Stay is denied without prejudice to which renewal not less than \_\_\_\_\_ months from the date hereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Dennis D. O'Brien, Judge  
United States Bankruptcy Court